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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/911,219

07/23/2001

Juha Rasanen

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32294 7590 10/23/2009  
SQUIRE, SANDERS & DEMPSEY L.L.P.  
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EXAMINER

GARY, ERIKA A

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

10/23/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/911,219	<b>Applicant(s)</b> RASANEN, JUHA	
	<b>Examiner</b> Erika A. Gary	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 22-33,36,37 and 39-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-33,36,37 and 39-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 44 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no support in the specification for a computer program embodied on a computer readable medium. The computer readable medium must be positively disclosed in the specification as having statutory examples of the medium. A brief mention of "application software" is insufficient.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 22-33, 36, 37, and 39-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's submission of prior art, Lintulampi, WO 98/59513 (hereinafter Lintulampi).

Regarding claims 22, 39, 44, and 46, Lintulampi discloses a method comprising: detecting a request for specific service for a radio transceiver device, wherein a radio transceiver device configured to operate with the first radio access network and the second radio access network is attached to said first radio access network; accessing information on conditions for the first radio access network and the second radio access network for giving sufficient support for a specific service requested by said request for specific service, providing information between the radio transceiver device and the network side about service availability in the second radio access network, analyzing whether or not said first radio access network and said second radio access network meet said conditions; and initiating a handover of said radio transceiver device from said first radio access network to said second radio access network if the conditions are met by the second radio access network but the first radio access network does not [page 2: lines 12-19, page 2: line 26 - page 3: line 16].

Regarding claim 23, Lintulampi discloses wherein said conditions comprise a condition whether said requested specific service exists in the radio access network [page 2: lines 12-19, 26-35].

Regarding claim 24, Lintulampi discloses wherein said conditions depend on each other [page 2: lines 12-19, 26-35].

Regarding claim 25, Lintulampi discloses wherein one of said conditions for the first radio access network is a given amount lower than the corresponding condition for the second radio access network [page 2: lines 12-19, 26-35].

Regarding claims 26 and 40, Lintulampi discloses wherein said method is performed in said radio transceiver device [page 2: lines 31-33].

Regarding claims 27 and 41, Lintulampi discloses wherein said method is performed in a network control device [page 2: lines 31-33].

Regarding claim 28, Lintulampi discloses informing said radio transceiver device of the fact that a handover to said second radio access network is to be initiated [page 6: lines 3-19].

Regarding claim 29, Lintulampi discloses wherein said radio transceiver device is a dual mode phone which is adapted to be operated in said first radio access network and said second radio access network [page 3: lines 4-6].

Regarding claim 30, Lintulampi discloses wherein either said first or said second radio access network is a GSM network [page 3: lines 4-6].

Regarding claim 31, Lintulampi discloses either said first or said second radio access network is a universal mobile telecommunications system (UMTS) network [page 3: lines 4-6].

Regarding claim 32, Lintulampi discloses wherein said requested specific service is a circuit-switched service [page 5: lines 12-15].

Regarding claim 33, Lintulampi discloses wherein said requested specific service is a packet service [page 6: lines 20-22].

Regarding claim 36, Lintulampi discloses wherein said radio transceiver device is attached to said first radio access network such that it is located in a cell of said first radio access network and connected by air with said first radio access network [page 2: lines 12-19].

Regarding claim 37, Lintulampi discloses wherein said radio transceiver device is also located in a cell of said second radio access network [page 2: lines 12-19].

Regarding claim 42, Lintulampi discloses wherein said analyzing unit is connected to a database to obtain information regarding said conditions of said requested specific service [page 2: lines 12-19, 26-35; page 3: lines 4-16].

Regarding claims 43 and 45, Lintulampi discloses wherein said analyzing unit is configured to analyze whether a subscriber using said radio transceiver device is entitled to use said requested specific service [page 2: lines 12-19, 26-35; page 3: lines 4-16].

Regarding claims 49-52, Lintulampi discloses providing of information about service availability in the second radio access network is performed during establishment of a call [page 2: line 31 – page 3: line 2].

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 35, 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lintulampi.

Regarding claims 35, 47, and 48, Lintulampi does not specifically disclose notifying the user of an error procedure or initiating an error procedure when it is detected that the requested specific service is not available in one of the networks. However, the Examiner takes Official Notice that it is well known in the art to initiate an error procedure or indicate a failure to the user is a request for service cannot be fulfilled. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Lintulampi to include an error procedure. The motivation for this modification would have been to appropriately notify the user that the requested service is not available.

### ***Response to Arguments***

7. Applicant's arguments filed 12/11/08, with respect to claim 44 have been fully considered but they are not persuasive. Applicant's specification only briefly mentions "application software" but does not empirically define a computer readable medium as required in the claim. It therefore does not rule out non-statutory examples of the intended medium.

Applicant argues that Lintulampi does not teach providing information between the radio transceiver device and the network side about service availability in the second radio access network. However, the Examiner respectfully disagrees and the reference teaches making the user aware that a change in registration is necessary in

order to obtain a particular service [page 2: line 31 - page 3: line 2]. Hence, the limitation is read in the reference.

Applicant also argues the Examiner's use of Official Notice that is it well known in the art to initiate an error procedure when a requested service is not available at all. Evidence of this feature can be found in Sigler et al., US Patent Number 6,477,370, in column 34: lines 12-15.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on 571-272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/EAG/  
October 20, 2009

/Erika A. Gary/  
Primary Examiner, Art Unit 2617